

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 10,516  
 )  
Appeal of )

## INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating his Medicaid and food stamp grants. The issue is whether the petitioner's income is in excess of the maximums under those programs.

## FINDINGS OF FACT

The facts are not in dispute. The petitioner applied for Medicaid in December, 1990, based on disability. Because new medical evidence became available during the pendency of the application, the Department did not make a favorable decision on this aspect of the petitioner's case until April, 1991.

In March, 1991, however, the petitioner's pension increased from \$423.00 to \$974.00 a month. As a result, the Department had to refigure the petitioner's "applied income" for the next six month period of eligibility (June - November, 1991). The petitioner has been advised of, and does not dispute, the Department's calculation of his "spenddown" for this period. The Department has advised the petitioner that he is ineligible for Medicaid as of May 31, 1991, until he meets this "spenddown".

Unfortunately, the increases in the petitioner's income also places him and his wife \$61.00 per month over the food

stamp maximum for household income.

ORDER

The Department's decision is affirmed.

REASONS

The petitioner's income as of March, 1991, is in excess of the program maximums under Medicaid and food stamps. See Medicaid Manual § M 240 et. seq. and F. S. M. § 273.10.<sup>1</sup>

Therefore, the Department's decision must be affirmed.

The petitioner was concerned that he delayed seeking medical treatment during the pendency of his Medicaid application. He concedes, however, that new and crucial medical evidence became available only after he had filed his application. Therefore, the Department cannot be faulted for any delay in processing his application.<sup>2</sup>

The petitioner also expressed concern that his wife has medical expenses that are not covered by Medicaid (she has not been determined to be disabled). However, he is entitled to apply both his and his wife's medical expenses toward his Medicaid "spenddown".<sup>3</sup>

FOOTNOTES

<sup>1</sup>Although they are only \$61.00 over the food stamp maximum, there is, unfortunately, no flexibility under the regulations in "close" cases.

<sup>2</sup>Even if the Department was at fault in the delay, there is no practical relief the petitioner could be afforded at this time.

<sup>3</sup>The petitioner should contact his caseworker at the district office if he has any questions regarding this, or any other aspects of his Medicaid eligibility.

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